1 MICHAEL F. HERTZ Acting Assistant Attorney General 2 LAWRENCE G. BROWN Acting United States Attorney 3 Eastern District of California CATHERINE J. SWANN 4 Assistant United States Attorney 5 501 I Street, 10th Floor Sacramento, California 95814 Telephone: (916) 554-2762 6 Fax: (916) 554-2900 7 JOYCE R. BRANDA PATRICIA R. DAVIS 8 MICHAL TINGLE 9 Department of Justice Civil Division Commercial Litigation Branch 10 P. O. Box 261 Benjamin Franklin Station 11 Washington, D.C. 20044 Telephone: (202) 307-1381 12 13 Attorneys for the United States of America 14 UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA 15 16 17 UNITED STATES OF AMERICA and CIV.S-04-0190 FCD GGH THE STATE OF CALIFORNIA ex rel. DAVID T. READ, 18 **ORDER** 19 Plaintiff, 2.0 v. 21 MOUNTAIN VALLEY HEALTH CENTERS, INC., 22 Defendant. 23 24 25 **ORDER** Upon consideration of the Stipulation of Dismissal of Relator's Complaint, filed by the 26 27 United States and Relator, it is hereby ORDERED that the Complaint is dismissed. Pursuant to and consistent with the terms of the Settlement Agreement between the United States, California, 28

Relator, and Defendant, effective January 7, 2009 (hereinafter "Settlement Agreement"), the dismissal shall be with prejudice as to the Relator; with prejudice to the United States to the extent of the Covered Conduct, as that term is defined in the Settlement Agreement, and otherwise without prejudice to the United States.

IT IS SO ORDERED.

DATED: February 3, 2009

FRANK C. DAMRELL, JR.

UNITED STATES DISTRICT JUDGE